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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/035,892	12/24/2001	Jonathan K. Jensen	FSP:0012	4249

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EXAMINER

SZUMNY, JONATHON A

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 11/05/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/035,892

Applicant(s)

JENSEN, JONATHAN K. *h*

Examiner

Jon A Szumny

Art Unit

3632

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

This is the first office action for application number 10/035,892, Folding Leg System, filed on December 24, 2001.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter that the applicant regards as his invention.

Claims 3-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 3 is replete with functional language making it difficult for the Examiner to determine exactly which features are positively recited and which are merely functionally recited. For instance, lines 2-3 state "a plurality of holes *to receive* a pivot bolt along which a leg *may slide* from a first section...", line 4 states "the second section *adapted so that* the leg cannot rotate..." and lines 6-7 state "the first section *adapted so that* the leg can rotate into a position wherein a shaft of a locking device of the leg is received into slots in sides of the first section..." The language after "to receive" in lines 2-3 is considered to be functional. For the purposes of this office action, the "pivot bolt," "leg," "locking device," "slots," etc. are all considered to be functionally recited since they are all recited immediately after functional language such as "to receive," "may slide," "adapted so that," etc. The Examiner will attempt to examine the claims as best understood.

Regarding claim 6, line 2 states "a first leg *adapted to receive* a first pivot bolt" while line 3 states "the first bracket coupled to the first leg by way of the first pivot bolt..." Again, the applicant must make it clear whether the first pivot bolt is intended to be positively or functionally recited as part of the invention. For the purposes of this office action, the Examiner will assume the first pivot bolt (and second pivot bolt) is positively recited as part of the invention.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent number 2,971,803 to Wallin.

Wallin '803 discloses a bracket (figures 1-3) comprising a plurality of holes (figure 1), a plurality of slots (figure 1), a first hole (figure 3) and a second hole (figure 2).

Claims 3-8 are rejected under 35 U.S.C. 102(b) as being anticipated by British Patent application number 2,049,025 to Parsons.

Regarding claims 3-5, Parsons '025 discloses a bracket (figure 1) comprising a plurality of holes (figure 1), first and second sections each having tabs (figure 1), and a locking hole (figure 1).

With respect to claims 6-8, Parsons '025 discloses a folding leg system (figures 1-3, specification lines 7-8, inherently more than one leg and bracket) comprising a first bracket (figure 1) mounted on a surface and coupled to a first leg (figure 1) via a first pivot bolt (figure 1) such that the leg rotates between up and down positions, a second bracket (figure 1) mounted on a surface and coupled to a second leg (figure 1) via a second pivot bolt (figure 1) such that the leg rotates between up and down positions; wherein the second bracket has a first section in which the second leg may rotate to a down position from an up position and a second section in which the leg is prevented from rotating into the down position from the up position; wherein the first bracket is inherently mounted on the surface across from the second bracket such that the first leg does not contact the second leg when the legs are in the up position and the second leg is in the second section of the second bracket; wherein the first bracket has first and second holes (figure 1); wherein the second bracket has a third hole (figure 1).

Allowable Subject Matter

Claims 9 and 10 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

Regarding claim 9, the prior art as applied against claim 6 failed to further specifically teach the first bracket to comprise first slots to receive a shaft of a first

Art Unit: 3632

locking device when the first leg is in the down position and the second bracket to comprise second slots to receive a shaft of a second locking device when the second leg is in the down position.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Horning '662, Wigell '871, Wilkinson '732, Larson '930, Roberts et al. '822, Fregeac '725 and Kobayashi '147 divulge various brackets.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jon A Szumny whose telephone number is (703) 306-3403. The examiner can normally be reached on Monday-Friday 8-4.

The fax phone number for the organization where this application and proceeding are assigned is (703) 305-7687.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Jon Szumny
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October 31, 2002



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